

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF PROJECT MANAGEMENT AND PERMITTING

FRANK H. MURKOWSKI, GOVERNOR

550 W 7th AVENUE SUITE 1660

ANCHORAGE, AK 99501

PH: (907) 269-7470

FAX: (907) 269-3891

June 25, 2004

Mr. Bruce Rogers
BLM Glennallen Field Office
P.O. Box 147
Glennallen, AK 99588

RE: Eastern Alaska Resource Management Plan and Environmental Impact Statement,
Preliminary Review of Draft Alternative Tables

Dear Mr. Rogers;

The State has reviewed the proposed alternative tables for the East Alaska Resource Management Plan and would like to offer the following comments and suggestions:

1. The tables are well organized, concise and easy to read.
2. Plan objectives are clearly defined.
3. The introductory sections for each table discussing background information, overall management guidance, limitations or issues unique to each table provide a consistent framework for evaluation of the proposed alternatives,
4. All pertinent tables address off highway vehicle (OHV) use as required by BLM planning regulations. We appreciate BLM's intent relative to trail designation: "Any proposal to limit or close specific trails will require completion of an implemental-level plan, including public, State, and Native coordination." Implementation-level or Activity plans are an acceptable means of developing site-specific limitations or management strategies. We encourage the use of such plans to address OHV use, commercial use and recreational use when data and documented user experiences and expectations warrant more specific management action.
5. The State appreciates BLM's recommendation to revoke most ANCSA d (1) withdrawals so that BLM managed lands will be available for multiple use, including mineral entry once state and Native conveyances are finalized. We have concerns regarding the proposed continuation of PLO 5150 (as amended to include 5151). The State urges revocation of these withdrawals to make them available for state selection (Ref. letter from Governor Murkowski to Secretary Norton, 3/25/04 attached). In addition, those withdrawals not under BLM's surface management

"Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans."

along the Denali Highway should also be revoked as well as unnecessary power withdrawals particularly along the Nenana River.

6. The State appreciates BLM's efforts to recognize state management intent for state Selected lands as described in the Department Of Natural Resource's Area Plans for State Lands and other planning documents such as the ADF&G Bison Management Plan.
7. In general, the spectrum of proposed alternatives provides a reasonable range of options for consideration by the public, although we have offered suggestions specific to each resource area where appropriate to address state concerns.

General Comments Common to All Resource Areas

For all management areas with alternatives for "Construction of new roads" and "Rights of Way," we request recognition of valid existing rights either in the table or as a footnote. In addition, for conservation system units (CSUs) under ANILCA (Gulkana SRMA and Delta SRMA), the alternatives for the above mentioned categories should recognize the provisions under Title XI of ANILCA. Specifically, Title XI includes the option of considering future transportation and utility corridors within CSUs.

We recommend the Bureau remove the categories for "land acquisition" from the tables and add it as an action common to all alternatives. In addition, we request the discussion on "land acquisition" include a clause stating that "land acquisition will be pursued from willing sellers when necessary to meet specific plan objectives". The simple yes/no responses in the alternative tables fail to recognize land acquisition as a tool, rather than a goal by itself.

We also suggest that those portions of the tables pertaining to "Construction of new roads" and "Rights of way" recognize, either through language in the table itself or in a footnote, valid and existing rights.

Process for Limitations

Limits on general public use and access in ANILCA CSU's (Wild and Scenic River corridors) require additional procedural steps under Sections 811 and/or 1110(a). By following the ANILCA process on non-CSU lands such as the Denali SRMA, the Bering Glacier RNA, and the West Fork ACEC, BLM will be able to address many of the concerns raised by the public and the State regarding limits on use and access. The State will work with BLM to ensure that the appropriate process is followed and that management actions on non-CSU lands in Alaska are justified, reasonable, and evaluated through a public process.

Navigability

Lands beneath tidelands, submerged lands, and inland navigable waters were granted to the State of Alaska by the Equal Footing doctrine, the Submerged Lands Act of 1953, and the Alaska Statehood Act of 1958. If water bodies, both inland and marine, were reserved or withdrawn by the Federal government prior to statehood on January 3, 1959, lands beneath these waters may have been retained by the United States. Within this framework, if a water body is navigable, the bed of the river or lake belongs to the State of Alaska. If a water body is not navigable, the bed of the water body belongs to the adjacent landowner(s).

Determination of what waters are navigable or non-navigable is an on-going process in Alaska at both the administrative and judicial levels.

The State, therefore, requests that the East AK RMP clarify that that management recommendations relative to the Gulkana and the Delta refer to the “river corridor,” rather than “the river.”

Carrying Capacity

As clearly noted in previous correspondence from DNR Deputy Commissioner, Dick LeFebvre to George Oviatt, the State does not support the use of carrying capacity, with its implication of limits on use, for general use of public lands. Many of the Alternative Tables speak more appropriately to the identification of appropriate objectives for specific management purposes. We encourage BLM to utilize this approach throughout all alternative tables.

Cultural Resources

The State Historic Preservation Office has noted that archaeological sites in this planning area, particularly in the TLAD, are mostly surface scatters of lithic artifacts and are extremely vulnerable to erosion and disturbance from ATV's. This is of particular concern in the Denali and Delta SRMA's and should also be considered within the context of Mitigation Guidelines for Surface Disturbing Activities.

Alternative Tables:

Forestry: The proposed table presents a reasonable range of alternatives for public consideration.

Lands and Realty: In the section on exchanges please change the objective relating to the “protection of fish and wildlife” to “protection of fish and wildlife habitat.”

The State requests that under Withdrawals/PLO 5150 (pipeline/utility corridor), Alternative D be changed to read: “Revoke PLO 5150 (as amended to include 5151).” It should be noted that in correspondence from Governor Murkowski to Secretary Norton dated 3/25/04, the Governor specifically states that the reservation is no longer justified and conveyance is desired in order to facilitate transportation of oil and gas and other resource development. In addition, the state already owns portions of the pipeline and utility corridor within the planning area.

The State is pleased to see the tables reflect the revocation of most withdrawals. This opens much of the remaining federal lands to mineral leasing with the exception of Wild and Scenic River corridors and PLO 5150, about which we have previously expressed concerns.

The State requests that those withdrawals not under BLM's surface management along the Denali Highway also be revoked and that any withdrawals along the Nenana River, (ex. PS 450 and PS 403 within Section 10, 11, 14, and 15 T11S, R6W, F.M.) on lands not managed by BLM also be recommended for revocation.

Leasable Minerals (Oil and Gas): As previously indicated transportation of oil and gas to market is a high priority for the state. The State wishes to preserve options for Rights of Way and Utility corridors and the ability to construct facilities in an economically

reasonable manner throughout this planning area. To facilitate these transportation and development planning efforts, the State as discussed above, requests revocation of PLO 5150 (as amended to include 5151). Please also note comments relative to the Bering RNA.

Leasable Minerals (Coal): The proposed table presents a reasonable range of alternatives for public consideration.

Locatable Minerals: The proposed table presents a reasonable range of alternatives for public consideration.

Recreation: Objective 3 would benefit from further clarification, particularly in the sentence referring to limits on private or commercial recreation. We are unable to propose alternative language without a clearer understanding of the intent of this sentence.

Trails: The proposed table presents a reasonable range of alternatives for public consideration.

Wildlife: Please edit objectives 4 and 6, by deleting the words “Identify and.” This results in a more succinct and appropriate statement as State and USFWS biologists have already identified these areas.

Areas of Critical Environmental Concern (ACEC):

Delta River Bison Calving Area: The State concurs with the proposed range of alternatives. Designating this area as an ACEC in Alternative C complements existing management efforts by ADF&G in this area and the management strategies proposed within alternatives C and D are consistent with the Delta Junction State Bison Range management strategies.

However, in the interests of ensuring that necessary resource development can proceed, we strongly support retaining the potential for road and airstrip construction as well as necessary Rights-of-Way to support resource development, taking into consideration through permit stipulations, the management intent of the area described in this proposed ACEC.

Nelchina Calving Area: Designation of the Nelchina Calving Area as an ACEC in Alternative C proposes management consistent with the Susitna Area Plan’s management recommendations for this area. BLM actions will not encumber lands conveyed to the State and will only apply until the time of conveyance. At that time, any identified measures may be applied at the State’s discretion. Any lands remaining within BLM management would then be managed in a manner consistent with management of adjacent state lands. The proposed range of alternatives provided is reasonable for consideration by the public.

West Fork of the Gulkana Area: Consistent with the State’s Copper River Basin Area Plan, BLM has recognized the importance of trumpeter swan breeding habitat in this area. The proposed management strategies described in the suite of alternatives offered for consideration recognize the State’s need to pursue resource development activities while seeking to appropriately protect breeding and rearing habitat for swans and waterfowl.

Please edit Alternative C, Special Recreation Permits (SRP) as follows: “Determine management objectives for recreation use.”

Special Recreation Management Area (SRMA)

Delta River Special Recreation Management Area:

Page 1, Under MANAGEMENT GUIDANCE COMMON TO ALL ALTERNATIVES, please revise Objective 4 as follows: Establish management objectives for recreation use within the river corridor through an implementation plan consistent with ANILCA 1110(a) and 811 requirements for public access.

The recently completed Environmental Assessment for the Gulkana Wild and Scenic River addresses use within the river corridor. BLM, and the State worked collaboratively to develop indicators, standards, and management actions that address uses in the conservation system unit. The State recommends that a similar process be utilized for the Delta River corridor.

Please revise Alternative D, under Minerals, Access to mining activity as follows: “Overland river crossing only permitted in winter when the river is frozen. Other requests will be considered based on conditions to minimize disturbance to the river corridor.”

Denali Highway Special Recreation Management Area:

The Denali Highway is a highway owned and maintained by the State of Alaska. The State also has an active state scenic byways program. Transportation and Scenic Byways staff were not aware of the intent to pursue byway designation prior to the review of this alternative. It is recommended that the pursuit of a Backcountry Byway designation for the Denali Highway be closely coordinated with the Alaska DOT&PF and be in accordance with the following provisions of BLM Handbook 8357-1 – Byways:

- BLM byways “must be identified, designated, planned, developed, and managed within the framework of the State program.” (Page I-2)
- “Byways should be approved through State coordinating organizations before designation. The goal is to have the States and BLM jointly and concurrently designate byways.” (Page II-1)
- “All local, State, and Federal agencies who have jurisdiction over road segments of the proposed byway must agree to byway designation and agree to cooperate with the BLM in joint development and management of the byway. Prior to byway designation, the agreement should be formalized in a cooperative agreement or MOU.” (Page II-3)

DOT&PF coordinates the State’s Scenic Byway program and staff would be happy to share the procedures for obtaining a state byway designation and other lessons we have learned since operating the program for the past eleven years.

DOT&PF Contact Information:

Aneta Synan, Scenic Byways Coordinator, 9907-465-8769

Shannon McCarthy, Northern Region Public Information Officer, 907-451-2380

Dave Sanches, Northern Region Transportation Planner, 907-451-2385

The State requests that alternatives C and D: Long Term be revised as follows for Special Recreation Permits (SRP): “Determine management objectives for recreation use.”

The State requests that all alternatives for General Visitor Use be revised to be consistent with the intent to “determine management objectives for recreation use.”

The State requests that options for access for resource development in this section of the planning area be accommodated as hard rock mining particularly for gold is currently being pursued. We are pleased to see that options for new road constructions are included in the suite of alternatives.

Gulkana Special Recreation Management Area:

Page 1, Under MANAGEMENT GUIDANCE COMMON TO ALL ALTERNATIVES, please revise Objective 4 as follows: “Establish management objectives for recreation use within the river corridor consistent with actions, indicators, and standards developed in the Gulkana Wild and Scenic River Management Plan Revision and with ANILCA 1110(a) closure procedures for public access at 43 CFR Part 36.”

The recently completed Gulkana River Plan addresses use within the river corridor. BLM and the State worked collaboratively to develop indicators, standards, and management actions that address uses in this CSU. The range of alternatives in the East Alaska RMP appears to be consistent with the Gulkana River Plan, and reasonable for public consideration.

Tiekel Special Recreation Management Area: Please refer to discussions in the introductory sections on Process for Limitations and Withdrawals (PLO 5150 and 5151). It is also important for the state to preserve options for access in support of resource development in this planning area.

Bering Glacier Research Natural Area: The State requests that Alternative D for Public Use Cabins be revised as follows: “Public use cabins may be considered, consistent with general guidelines listed above and consistent with managing for a primitive recreation experience.”

The State requests that alternative D for Special Recreation Permits (SRP) be revised as follows: “Determine management objectives for recreation use, consistent with managing for a primitive recreation experience.”

The State would appreciate additional information on the regulations and policies specific to management of Research Natural Areas in order to address concerns that this designation may be unnecessarily restrictive. To further clarify BLM management intent, we also suggest adding a paragraph in the introductory section of the Bering RNA table that clearly identifies research, education, and recreation as allowable and/or acceptable uses of this area, consistent with the values justifying designation of the RNA.

The mineral resources of this area are largely unexplored and, while the oil and gas potential is thought to be low, the state land position in this area approximates the upland extent of the Gulf of Alaska sedimentary basin. The area has been leased for oil and gas in the past and has recognized prospects. It has been considered recently for exploration licensing.

Since statehood four lease sales have taken place within or near the state lands in the planning area. Ten exploratory wells were drilled on what is now the state owned lands within the planning area. Three were drilled before statehood and seven were drilled from 1960 to 1963. Six were drilled upland along the coast between Cape Yakataga and Icy Bay. The other four were drilled in T.20 S., R14 and 15 East CRM in the area of the Yakataga State Game Refuge. A map of Sale 79, as proposed in 1994, is attached. Tracts with wells are shown in yellow. Some wells had shows of oil and gas. This exploration did not lead to oil and gas development or production. The historic Katalla oil field is located on-trend approximately 20 miles west of the western boundary of the proposed Bering RNA. We request that any designation in this area, provide management guidance that is not unduly restrictive of resource development.

Mitigation Guidelines for Surface Disturbing Activities:

The State understands that the Mitigation Guidelines are an evolving component of this RMP. We encourage BLM to strive for consistency with other plans and ongoing efforts such as the development of mitigation guidelines for NPRA NW, State area plans, and other established, scientifically based guidance. We would appreciate the opportunity to review and comment on these guidelines as they are developed.

Thank you for the opportunity to comment. Should you have any questions, please feel free to contact me at your earliest convenience.

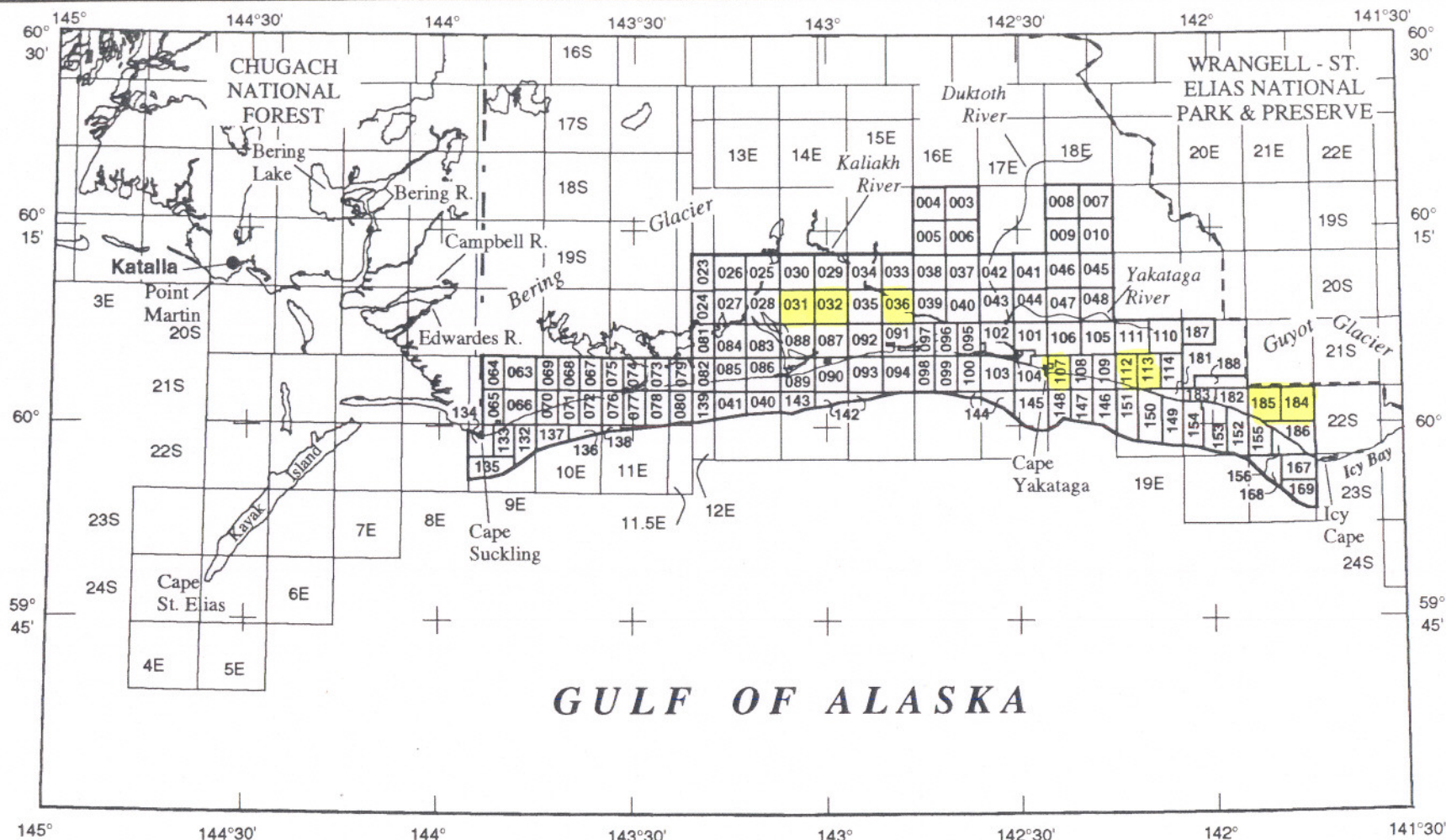
Sincerely,

/SS/

Carol Fries
State RMP Project Coordinator

Attachments:

Letter from Governor Murkowski to Secretary Norton, 3/25/04
Map of Yakataga Tracts with wells.



GULF OF ALASKA



STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL AND GAS

PROPOSED OIL AND GAS LEASE SALE 79 CAPE YAKATAGA PRELIMINARY TRACT MAP

SCALE 1:900,000 ONE INCH = 14.5 MILES approx.

10 0 10 20 30 40 50 STATUTE MILES

DIRECTOR, DIVISION OF OIL AND GAS
JAMES E. EASON *[Signature]*

DRAWN
BY: M.P. &
O.D.S.

DATE APPROVED 10-13-94

PETRO. GEOPHYSICIST,
JAMES HANSEN *[Signature]*

CHECKED
BY: *[Signature]*

BASE MAP: TRANSDPOSED FROM
U.T.M. PROJECTIONS BY U.S.G.S.
REDRAWN IN AUTOCAD AND
CLARIS CAD.

NOTE : NO DECISION HAS YET
BEEN MADE ON WHETHER THE
STATE WILL HOLD THIS LEASE
SALE. THE STATE IS GATHERING
SOCIAL ENVIRONMENTAL &
ECONOMIC INFORMATION ON
WHICH TO BASE A DECISION.

NOTE : THIS MAP IS NOT THE
OFFICIAL TRACT MAP. A SET OF
OFFICIAL TRACT MAPS IS
AVAILABLE AT THE DEPARTMENT
OF NATURAL RESOURCES,
DIVISION OF OIL AND GAS, 3601 C
ST., SUITE 1398, P.O. BOX 107034,
ANCHORAGE, ALASKA 99510-7034
PHONE (907) 762-2586

FIGURE 1B